

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RICK VO,) Civil No. 07-00052 ACK-BMK
) Criminal No. 02-00411 ACK 01
)
Petitioner,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)
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SCHEDULING ORDER RE. PETITIONER'S 28 U.S.C. § 2255 PETITION

Petitioner Rick Vo has filed a petition to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. At the same time, Petitioner also filed a Motion to Extend Deadline for Filing of Motion under Section 2255.

Vo alleges that he deposited his Section 2255 Motion in the prison mailbox on November 19, 2005. If his allegation is true, then under the prison mailbox rule, he timely filed his Section 2255 Motion within the one-year statute of limitations.

In the Court's previous Order dated February 20, 2007, the Respondent was invited to file a response to Vo's Motion to Extend Deadline for Filing of Motion Under 28 U.S.C. § 2255. In a letter to the Court dated March 6, 2007, the Respondent stated that it will not file a response to the Motion to Extend. For the reasons stated in the February 20, 2007 Order, the Court

finds that the Petitioner Vo timely filed his Section 2255 Motion.

The Court finds it appropriate to direct the Government to file a response to Petitioner's Section 2255 Motion within thirty (30) days of the date of this Order. In the event a response is not filed within such time period, the Court will assume that the Government has no opposition to the relief requested. If the Petitioner wishes to file a reply to the Government's response, the Petitioner is directed to file his reply within fifteen (15) days of the date of service of the Government's response.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, March 14, 2007.



Alan C. Kay

Alan C. Kay
Senior United States District Judge

Rick Vo v. United States of America, Civil No. 07-00052 ACK-BMK;
Criminal No. 02-00411 ACK; Scheduling Order Re. Petitioner's 28
U.S.C. § 2255 Motion.